

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4517 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

MANJULABEN Z. TADAVI & OTHERS

Versus

STATE OF GUJARAT & OTHERS

Appearance:

MR ND NANAVATI for Petitioners

MR NIGAM SHUKLA for the respondents.

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 21/08/96

ORAL JUDGEMENT

1. Heard learned counsel for the parties. The petitioners who are working as Balvadi and Anganvadi workers filed this writ petition before this Court and prayed therein to treat the petitioners in continuous service for all the purposes including the backwages and further pleased to direct the respondent to pay the difference of the salary between the closure of the Balvadi and Anganvadi scheme till fresh appointment orders are given to them. The further prayer has been

made for direction to the respondents to make them permanent and to delete condition no.7 in the order dated 31st May, 1983.

2. The petitioners were working earlier as Anganvadi and Balvadi workers under the Sarvodaya scheme in the year 1980. The Government of Gujarat decided to abandoned the Sarvodaya programme and as a result of which the petitioners were discontinued to work as Anganvadi and Balvadi workers. The matter has been represented to the Government and ultimately the petitioners were engaged as Anganvadi and Balvadi workers under the order dated 31st May, 1983 with effect from 5th June, 1983. The order clearly gives out that the working hours for the petitioners were hardly three hours and for these working hours, the S.S.C. pass candidate will get honorarium of Rs.175/-p.m. and non-S.S.C. candidate will get honorarium of Rs.125/-p.m. Earlier also the petitioners were working in Sarvodaya schemes which were not appointments truly speaking but their services were engaged as Anganvadi and Balvadi workers for which honorarium is paid. Honorarium is not the salary. Otherwise also I do not find any justification in the claim of the petitioner for the backwages more so when the discontinuation of their engagement in the Sarvodaya scheme has not been challenged. Without challenging their termination of the engagement in the Anganvadi and Balvadi run under Sarvodaya scheme, how this claim can be justified. It was a case where taking into consideration a sympathetic view, the petitioners were given fresh engagement on a fixed honorarium. Other claim of the petitioner to make them permanent and for their pay at the par of the Government servants in the similar cadre is also not tenable. It is not a case of regular employment, but it is only the case of working engagement for three hours on an honorarium. The grievances made by the petitioners are not justified and the prayers made in Special Civil Application cannot be accepted. This Special Civil Application is wholly misconceived.

3. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. No costs.

zgs/-